

**Memphis and Shelby County
Metropolitan Government Charter Commission**

**Minutes
March 4, 2010
4:00 p.m.**

Commission members present:

Julie Ellis, Chairman
Andre Fowlkes, Vice Chairman
Lou Etta Burkins, Secretary/Treasurer
Damon Griffin
J. W. Gibson
Linda Kerley
Billy Orgel
Chris Patterson
Jim Strickland
Dr. Randolph Meade Walker
Rufus Washington
Rev. Ralph White
Carmen Sandoval

Commission members absent:

Mayor Richard Hodges
Richard Smith

Others present:

Regina Morrison Newman, Co. Trustee
Christy Kinard, Asst. Co. Attorney
Matt Kuhn, Asst. - County Mayor
Kelly Rayne, Asst. - Memphis Mayor
Harvey Kennedy, Sheriff's Office
Mike Ritz, County Commissioner
Jeff Hulett, Church Health Center
Brienne Smith, Legacy Health Mgt.
Yvette Hughes, Evergreen Presb. Church
Michael Hollister, U.S. Navy
Marcy V. Perkins, Dress f/Success-Mem.
Keisha Walker, CASA
Melissa Hanson, Christian Brothers Univ.
Mary Cashiola, Memphis Flyer
Twana Whitlock, Exchange Club
Cheryl Henderson, Exchange Club
Chris Echols, Leadership Memphis

Skip Jones, MLGW
Pamela Patterson, City Attorney's Office
Janice Jones, City Attorney's Office
Keith McDonald, Mayor, City of Bartlett
Scott Sigman, Memphis Chamber
Paige Walkup, Rebuild Government
Patrick Lawton, City of Germantown
Mike Palazzolo, City of Germantown
Kim Hackney, Sheriff's Office
Kimbra Toney-Bernard, City of Memphis
Steven Strasberg, Co. Attorney Intern
John Branston, Memphis Flyer
Stephen Wirls, Rhodes College
Bill Dries, Daily News
Clay Bailey, Commercial Appeal
Alina Gorokhovskiy, MLA

The meeting was called to order after a moment of silence.

Chairman Ellis called the roll and announced there was a quorum.

Approval of Minutes: Commissioner Fowlkes moved approval of the Minutes of the February 18, 2010, meeting. Commissioner _____ seconded. All Commissioners voted aye. The Minutes of February 19, 2010, are approved.

Administrative Update:

Attorney Kuhn: Members were given a handout provided by Comm. Ritz from the National Association of Counties that has some information about other counties considering consolidation. Requested that all task force chairmen provide him with agendas and minutes of the task forces to be put on website and for distribution to all Commissioners. Please advise him of meetings dates and times for task force meetings so they can be properly Sunshined.

Kelly Rayne: City Attorney's Office has made available paralegals Pamela Patterson and Janice Jones. Kimbra Toney-Bernard is Research Manager in the City Mayor's Office and will help with research.

Mr. Kuhn passed out a sign up sheet for persons attending the Charter Commission Meeting that included space for an email address so their names could be placed on the distribution list for up-coming charter meeting.

Chairman July recognized the Leadership Memphis Class of 2010, some of whom were in audience.

Presentation on Indianapolis' Consolidated Government and Centralized Services by Stephen Goldsmith, former Mayor of Indianapolis

Chairman Ellis: Former Mayor Goldsmith has been given background on mission of Charter Commission. The Commissioner is charged to table a Charter on or before August 10, to be voted on November 2 by voters in both the City and the County. The Commission has been meeting since November and has been organized into 12 task forces that will begin reporting out in April. Mr. Stephen Goldsmith is the former Mayor of Indianapolis, one of our benchmark cities which will be used as a guideline for Memphis and Shelby County.

Stephen Goldsmith: No simple answer. In debates around country, most recently in Louisville/Jefferson Co., the question shouldn't be should we consolidate or not, but what should be consolidated and what not. Some things are neighborhood-based and some are county-based and some are regional based. Though Indianapolis is a consolidated government, it had dozens of tax jurisdictions after consolidation. Had some strong neighborhood organizations that had increased opportunities for input. They were consolidated in broad sense, but had some small units that provided very good service for the residents. Land planning was centralized. Transportation was centralized. Police and Fire were consolidated 20 years after the original consolidation. Schools were never consolidated. Code enforcement was decentralized because

municipalities could do a better job of policing violations of zoning issues and code enforcement. Some parks were maintained by little cities. Public works was centralized, transportation, public safety and planning and to some extent budgeting. There have been some efficiencies, but much attention is required. Without strong leadership, there is a tendency for public organizations to grow; need something to keep powers of chief financial officer and others under some limits. During his tenure, workforce was 40% lower than when he started. They were able to do three tax decreases, \$1 billion of infrastructure and improved the quality of public services. One of benefits that Indianapolis had was that on economic development issues, they spoke with a single voice. He was able to make deals. They had a development commission and hearings were open, but were quick to respond, and they had a strategy that was executable. Not being required to get input from several jurisdictions on large deals led to improvements downtown and in the suburbs.

Discussion with Mayor Goldsmith

Comm. Orgel: Guts of charter did not include much on economic development - was it added later?

Mr. Goldsmith: Charter is essentially state law, but provided fair amount of home rule. More authority under state law to modify statutes. Some statutory economic development organizations, but the way it worked in Indianapolis, they had an economic development corporation which was a quasi-government arm that would represent the city and county, have a lot of authority -- people inside city government would make it happen.

Comm. Washington: You said police and fire were not consolidated for 20 years -- looking at charter, had dept. of public safety - did not reveal what was anticipated -- metro law enforcement agency where the police department is located and the sheriff, and the police department has law enforcement authority?

Mr. Goldsmith: Indianapolis has an elected Constitutional Sheriff and is the chief corrections officer and jailer; public safety director, an administrative officer in the mayor's office with police chief and fire chief. Policing function was moved to the public safety function and jail and corrections is still under the Sheriff. While DA, even before consolidation, he consolidated -- either as mayor or DA -- all of the IT, all of the call centers, all of the fingerprints, all of the wagons. Everything but officers and detectives were consolidated; drove efficiency and career paths.

Comm. Washington: Why did Indianapolis wait 20 years to consolidate police and fire?

Mr. Goldsmith: "Politics of the possible." Over time, the innovators of the economic vitality of the county determined they needed economic vitality in the core city; agreed on some concepts, but did not want to touch schools.

Comm. Washington: Some in community believe there will significant savings.

Mr. Goldsmith: If consolidating, probably should be about higher quality of public services and looking for effectiveness rather than efficiency. In Indianapolis, most important unit of public safety was police and DA. Promotion meant going inside. Jobs that should have been civilian jobs were police jobs and there was too much administrative structure. Goal of their consolidation was to redeploy resources in a more effective way, not just to save money, but to increase effectiveness public safety.

Comm. Walker: What has consolidation allowed that could not have been done as dual entities?

Mr. Goldsmith: More effectively managed under consolidated management. Had a downtown where there was nothing and he made case why people in county and suburbs should want a downtown. Created 40,000 jobs for city. At the time of consolidation, the city was mostly African American and the County was mostly White. There was no shared sense of mission for the region.

Comm. Sandoval: How did you decide what was to be consolidated? Was it population driven?

Mr. Goldsmith: Look at where scale is apt to make difference. How many public safety call centers can a region have? If there are areas with common services to everybody in county and multiple levels of hierarchy, and a technology costs involved, these seem like ripe areas for consolidation. After consolidation there should be more transparency, better infrastructure, insure that one law enforcement plan that protects everybody. Some services don't have scale. Build a charter that allows services to be provided in a smaller geographic area so that included cities have functions they don't lose, but some towns could be delegated with ability to do code enforcement. More technology and more professionalism in departments applicable, better scale.

Comm. Orgel: Where would Indianapolis be demographically, had it not been consolidated?

Mr. Goldsmith: In the short run, short term urban loss, can be suburban gain. but long term urban loss is a long term suburban loss. Cannot be a thriving suburb of a poor core. It is economically threatening to the region.

The old City of Indianapolis probably could not have rejuvenated itself with the declining population. They were a lot better off; not just the structure, but the people as well. Current demographics of County: Approximately 30% African American. Hispanic community unknown and the old city is probably still less than half of the county. Has racial integration in suburban neighborhoods, but still a lot of poverty concentration in older parts of city.

Were able to reduce taxes, improve infrastructure, create jobs: Relentless about measurement, innovation and competition. The public workforce, when subjected to

competition, became more productive and the number of managers was reduced. Had 40% reduction in workforce; some from attrition and buyouts, but most in reduction of management. Harvested these savings to sustain infrastructure by amortizing debt.

Comm. Strickland: Was there anything in your Charter that you would have taken out?

Mr. Goldsmith: There were some quasi-governmental boards that had taxing authority such as the library board, the transportation board and one other agency.

Comm. Fowlkes: Can you cite a couple of examples from your charter of what was stated specifically in there and why that was chosen?

Mr. Goldsmith: Would like to respond to question in writing after some research. Generally very broad economic development authority granted to the Metro Development Commission. It had broad land use authority, economic development authority, tax abatement authority. He had authority to create economic development corporations, and the Council had the authority to appropriate funds to those entities.

Comm. Kerley: Has some concern related to educating public as to what is happening - media may not get entire story out.

Mr. Goldsmith: Clarity on the tax issue is really important. Complicated because there is a feeling that crime is going to come to my neighborhood because of consolidation. Some evidence that consolidation results in more people on the street, more active against gangs that roam both city and county, more jobs, reduced taxes and improved crime fighting. When he was elected Mayor had to convince people living inside the city, what was the county before consolidation, why it made sense that it was morally right, as well as economically in best interest of all and must convince all that it is a win/win.

Chairman Ellis: Mr. Goldsmith has published a book -- the Power of Social Innovation. It is not available in Memphis yet, but Chairman Ellis has purchased copies for each Commission member and will distribute as soon as they are available.

Appointment of Writing Task Force

Chairman Ellis: John Ryder has committed to writing the charter. A Writing Task Force consisting of Commissioners Griffin, Smith, Strickland, Ellis and Patterson will assist. Incumbent on all Commissioners, as writers bring back articles, to make sure they are clear and understandable.

Task Forces – Schedule of Task Force Reports/Discussions and Recommendation Approval Procedure.

The executive committee met and discussed schedule. Commission will meet each Thursday in April to report out each Task Force. Task force chairmen have been asked

to choose a date in April to report their recommendations. Recommendations should be provided in writing. These written recommendations will be distributed by Matt Kuhn, as well as the minutes and the agenda. Following rigorous discussion of the recommendations, a vote will be taken to forward them to the writing committee. When they come back in Article format, the Commission will vote on each Article. Anticipate some of the Articles will be approved in early May. At next meeting, March 18, John Ryder, Christy and Jack will provide an outline of the Charter and an outline of issues before this Commission that must be decided. Meetings in April will probably last until 7 p.m.

Comm. Patterson: Is the plan to present and vote on all 12 task forces over five meetings?

Chairman Ellis: The recommendations are policy issues that have to be incorporated and as they are recommended, the Commission will discuss, and maybe vote. May have to meet another time to finalize some recommendations.

Chairman Ellis committed to allow each Commissioner to voice all concerns, no one will be cut off. The Commission is charged to represent citizens; while not trying to hurry the process, have an obligation to table document by August.

Task force 1 - March 18 finalize what we have been doing individually.

Task force 2 (Economic Development) - Comm. Orgel: Met two weeks ago, drafting language, looked at peer cities (Jacksonville, Nashville) draft talking points and decide what to be done for economic development. Requested April 22 to make Task Force Report.

Task Force 3 (Health) - Comm. Sandoval: Have been focusing on benchmarking and gathering of data. Have not had formal meeting -- but will be ready to present in April.

Task force 4 - (Public Safety) – Comm. Washington: Has met five times - police dept. fire, both city and county, Public Safety Commission, Homeland Security and Emergency 911 -- will have last presentation from city fire dept. on 3/9. Originally set up five phases to complete work. Currently in phase 3. - Phase 4 will begin to consolidate, summarize what has been learned and work on recommendations to charter commission. Hope to conclude with meetings by 3/23.

Chairman Ellis: Rick Melaney, City of Jacksonville has provided research - enhanced effectiveness after consolidation (law enforcement). Copies have been sent to everyone.

Task Force 5 (Finance) -- Gibson: Task force has not yet met. Have divided task force charge into six divisions -- will have presentations from each of six divisions (Assessor, city and county) -- 3/17 meet for first time -- Requested April 22 as date for presentation.

Task Force 6 - Comm. Hodges not here, but Commissioners Hodges, Strickland and Kerley are working on issues related to intergovernmental agencies -- annexation proposal will be presented next week.

Task Force 7 (Central support services) -- Griffin: Task force has met three occasions, the hour before the Commission meetings. Have had presentations regarding the motor pool/fleet services/property maintenance from city and county have done IT and public safety. General counsel is going to be done by another task force. Have only two more presentations.

Task Force 8 (Legal and judicial) Patterson: - met three or four times - have arms around issues -- anticipate can have presentation on third week of April (15).

Task Force 9 (Public Amenities) - Fowlkes: Working to fine tune recommendations with legal counsel -- Will present on March 18. Deals with libraries, arts and culture, public facilities, music and film, park and recreation.

Task Force 10 (Code of Ethics) - Rev. Walker: Hopefully last meeting on 3/11 - ready to present at chair's discretion. -- maybe 18th or if because of full schedule, may go to April 1.

Task Force _ (Legislative) - Comm. Gibson: Have met a couple of times and will make recommendation early April.

Comm. Sandoval requested Presentation on April 15.

Items of Discussion for Next Meeting

Next meeting - March 18

Chairman Ellis: Donn Fisher will give 15 presentation on Malcolm Baldrige Quality Initiatives processes and how they can be incorporated into our process.

Comm. Fowlkes will report on public amenities and betterment. This will be our first task force report.

Comm. Strickland will take up issue of annexation, a requirement of the metro statute that must be included in the charter and provide some options to consider.

Charter outline with issues that have been requested.

Comments from the Public and Organizations

Mike Hollister - Memphis Leadership: Question about plan for making public aware of what is happening. How much time will there be between crafting the document and voting of public?

Chairman Ellis: Convened until Aug. 10. to make decision and table charter. Duty to file charter with the clerks of the city and county and elements of the media. Charter Commission goes out of business and no additional legal requirements after August 10. Comm. Fowlkes is working on communications plan and outreach. Want to come out and meet in county, but no invitations solidified. Know taxes are an issue. Anticipate that individual Commissioners can meet with citizens to explain Charter. Plan to produce charter in pamphlets to be issued to citizens. Need interested groups throughout the city to get information out to general public, but have no authority to put out information other than what is in the charter.

Comm. Kerley: Chairman Ellis and Comm. Kerley met with Mayors of Germantown, Bartlett and Collierville several weeks ago and municipalities have legitimate concerns and the Commission wants to make sure they address those concerns. They have had some feedback from citizens. This is open meeting - everyone can attend.

Comm. Fowlkes: We have commitments from organizations to provide outlets to speak to their members, to use their infrastructure to spread awareness, such as Small Business Chamber, Greater Memphis Chamber, Library and using their radio and television, Rebuild Government, Impact Memphis and need more. If organizations out there, please let us know so we can talk face to face, but also use outlets as far as websites, etc.

Other Business

Comm. Fowlkes: Reach out to other task forces to prevent things from slipping through cracks.

Adjournment

6:00 p.m.